

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: BP p.l.c.	§	MDL No. 10-md-2185
SECURITIES LITIGATION	§	
	§	
	§	
	§	
DEUTSCHE ASSET MANAGEMENT	§	Civ. Act. No. 4:13-cv-0887
INVESTMENTGESELLSCHAFT MBH	§	
	§	
v.	§	HON. KEITH P. ELLISON
	§	
BP P.L.C. et al.	§	

ORDER

Pending before the Court is Defendants’ Amended Second Tranche Consolidated Motion to Dismiss. (Doc. Nos. 27, 32.)¹ Having reviewed the original motion (Doc. No. 10), the amended motion, Plaintiffs’ response (Doc. Nos. 41, 47), Defendants’ reply (Doc. Nos. 53, 54), all papers in support thereof, and having heard oral argument, the Court finds that Defendants’ Motion (Doc. Nos. 27, 32) must be **GRANTED IN PART** and **DENIED IN PART**. Pursuant to the reasoning articulated in the Memoranda and Orders issued this day in two related cases—*Avalon Holdings, Inc. et al. v. B.P. p.l.c. et al.* [12-cv-3715] (the “*Avalon Holdings* Opinion”) and *Mondrian Global Equity Fund, L.P. et al. v. BP p.l.c. et al.* [12-cv-3621] (the “*Mondrian* Opinion”)—the Court **GRANTS** the Amended Motion to Dismiss as to the following claims:

- All negligent misstatement claims.
- All claims based on the portions of Anthony Hayward’s April 17, 2008 speech at the 2008 Annual General Meeting specified on page 13 of the parties’ original draft of the Conforming Stipulation.² (Doc. No. 25, at 13.)

¹ Unless otherwise indicated, all docket references are to 13-cv-0887.

² For reasons expressed in the *Avalon Holdings* Opinion, this ruling is intended to give effect to

- All claims based on the portions of Mr. Hayward's December 17, 2008 speech at the HRH Prince of Wales's 3rd Annual Accounting for Sustainability Forum specified on page 13 of the parties' original draft of the Conforming Stipulation. (*Id.*)
- All claims based on Mr. Hayward's statement to the press on May 18, 2010. (Doc. No. 1 (the "Deutsche Asset Compl."), at ¶ 144.)

In all other respects, the Motion is **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the thirtieth day of September, 2014.

A handwritten signature in black ink, appearing to read "Keith P. Ellison". The signature is fluid and cursive, with the first name "Keith" and last name "Ellison" being clearly legible.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

the parties' original stipulation, which the Court edited prior to signing. (Doc. No. 29, at 13.)